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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

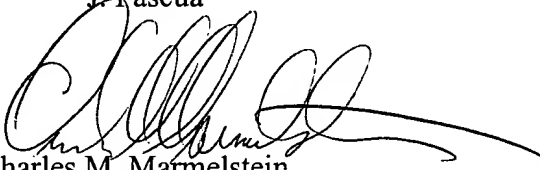
BRIEF ON APPEAL

Ex parte MOGIL

DIVIDED INSULATED CONTAINER

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DEC 13 2002
TECHNOLOGY CENTER R3700

Serial No.: 09/859,451
Filed: May 18, 2001
For: DIVIDED INSULATED CONTAINER
Appeal Number:
Group Art Unit: 3727
Examiner: J. Pascua


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Date: December 10, 2002

Atty. Docket No. 100570-00018



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCE

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R1149

In re the Appellant: Melvin S. MOGIL
Serial No.: 09/859,451
Filed: May 18, 2001
For: DIVIDED INSULATED
CONTAINER
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BRIEF ON APPEAL

TECHNOLOGY CENTER R3700

I. INTRODUCTION

This is an appeal from the final Office Action of the Examiner dated April 10, 2002, finally rejecting claims 1, 2, 4 and 19 - 44. A timely response to the final rejection dated April 10, 2002 was filed on June 10, 2002. A Notice of Appeal was timely filed on October 10, 2002 with a Petition for Extension of Time. This Brief is being timely filed.

II. REAL PARTY IN INTEREST

The real party in interest in the present application on appeal is California Innovations, Inc. The assignment is recorded in the United States Patent and Trademark Office at Reel 010016, Frame 0842 in parent application Serial No. 09/323,202.

III. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to the Appellant, Appellant's representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

IV. STATUS OF CLAIMS

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In this application, claims 1, 2, 4 and 19 - 44 are pending. Claims 3 and 5 - 18 have been cancelled. Claims 1, 2, 4, 19 - 22 and 28 have been rejected and claims 23 - 27. Claims 29 - 44 have been objected to and have been indicated as containing allowable subject matter.

The final rejection of Claims 1, 2, 4 and 19 - 22, and 28 is being appealed.

V. STATUS OF AMENDMENTS

The amendment submitted February 15, 2002, was entered amending the specification and claims 1 and 28. In response to this amendment, an Office Action dated April 10, 2002, was issued, finally rejecting claims 1, 2, 4 and 19 - 44. A response to the final Office Action dated April 10, 2002 was filed on June 10, 2002, with a terminal disclaimer but with no claim amendments. The terminal disclaimer filed with the response dated June 10, 2002 was accepted by the Examiner and recorded. An Advisory Action dated June 21, 2002, was then issued entering the response on appeal. A Notice of Appeal was filed on October 10, 2002. No amendments have been submitted or entered after the issuance of the final Office Action dated April 10, 2002. The rejection of claims 1, 2, 4 and 19 - 22 and 28 are the subject of this appeal.

VI. SUMMARY OF THE INVENTION

The present invention relates to a soft sided, collapsible, insulated container. In an aspect of the invention, there is a soft sided, collapsible, insulated container comprising a first collapsible insulated container portion defining a first insulated chamber therewithin, and a second collapsible insulated container portion defining a second insulated chamber therewithin. The first and second insulated container portions having respective first and second insulated wall structures. The insulated wall structures include respective insulated sidewall panels. The insulated chambers are located side-by-side, and are segregated by a common wall. The first insulated wall structure has a first opening defined therein for providing access to the first enclosed chamber. A portion of the first insulated wall structure is moveable to close the first opening. The first chamber is maintainable at a different environmental condition from said second chamber.

In another aspect of the invention, there is a soft sided, collapsible, insulated container comprising a first collapsible insulated container portion, a second collapsible insulated container portion and a common wall shared between the first and second container portions. The first container portion has a first insulated wall structure defining a first enclosed chamber therewithin. The first insulated wall structure has a first opening defined therein for providing access to the first enclosed chamber. A portion of the first insulated wall structure is moveable to close the first opening. The second container portion has a second insulated wall structure defining a second enclosed chamber therewithin. The common wall segregates the first and second enclosed chambers from each other. The first chamber is maintainable at a different environmental condition from the environmental condition of the second chamber. The first container portion is moveable between an expanded position and a collapsed position relative to the common wall. The first container portion is securable in the collapsed position.

VII. THE FINAL REJECTION

Claims 1, 2, 4 and 19 - 44 are pending in this application and do not stand allowed.

In the Office Action dated April 10, 2002, the Examiner rejected claims 1, 2, 4 and 19 - 44 under the judicially created doctrine of obviousness-type double patenting over claims 1-29 of U.S. Patent No. 6,234,677. The Examiner also rejected claims 1, 2, 4, 19 - 22 and 28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,877,128 to Strickland. Further, the Examiner stated, *inter alia*:

“Regarding the terms “maintainable” and “securable”, it has been held that the recitation that an element is “capable of” performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In Re Hutchinson*, 69 USPQ 138.”

In the response of June 10, 2002, the Appellant sought to overcome the Examiner's claim rejections by filing a terminal disclaimer and submitting arguments as to why Strickland did not anticipate any of the rejected claims. In the Advisory Action dated June 21, 2002, the Examiner indicated that the rejection of claims 1, 2, 4 and 19 - 44 under the judicially created doctrine of obviousness-type double patenting had been overcome by the

filing of the terminal disclaimer. However, the Examiner maintained the claim rejections based on Strickland. More specifically, the Examiner stated:

“Applicant’s interpretation of Strickland only takes into consideration wall 11 whereas the sidewalls of Strickland are made up of walls 11, 16 and 17. Furthermore, applicant’s rejected claims fail to recite the structure upon which applicant relies to carry out the functional “maintainable” and “securable” recitations.”

The Appellant respectfully disagrees with the Examiner’s position. More specifically, it is respectfully submitted that even if the Examiner’s view of Strickland were adopted, Strickland would not anticipate the claimed invention of claims 1, 2, 4 19 - 22 and 28. Further, the Appellant submits that a functional recitation is a patentable limitation and such must be evaluated and considered just like any other limitation in a claim.

VIII. ISSUES ON APPEAL

The issues on appeal in this matter are:

1. whether the terms “maintainable” and “securable” as used in claims 1 and 28 constitute patentable limitations; and
2. whether claims 1, 2, 4, 19 - 22 and 28 are unpatentable under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,877,128 to Strickland.

IX. GROUPING OF CLAIMS

The Appellant considers the claims to be separately patentable and as such respectfully submits that the claims do not stand or fall together.

X. APPELLANT’S ARGUMENTS

A. A Functional Recitation is a Patentable Limitation

In the Office Action dated April 10, 2002, the Examiner has, in the context of rejections based on Strickland, cited *In re Hutchison* 69 USPQ 138 as standing for the proposition that “it has been held that the recitation that an element is “capable of”

performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a patentable limitation in any sense”.

The Appellant respectfully disagrees,

(a) that *Hutchison* is still good law in the context for which it is employed by the Examiner; and

(b) that functional limitations “do not constitute a patentable limitation in any sense”.

Hutchison was decided in 1946 – before the patent law amendments of 1952 which enshrined the permissibility of use of functional language in claims under U.S. law. *Hutchison* was implicitly overruled on the point in question by *In re Land and Rogers*, 151 USPQ 621 (CCPA 1966) (See, in particular at pp. 635 – 636). This position was further reinforced by the CCPA in *In re Swinehart and Sfiligoj*, 169 USPQ 226 (CCPA 1971) (See, in particular at pp 228 – 229).

The Appellant notes that, not surprisingly, *In re Hutchison* is no longer cited in the relevant sections of the MPEP. The MPEP currently reads, in part, as follows:

2173.05(g) Functional Limitations

A functional limitation is an attempt to define something by what it does, rather than by what it is (e.g., as evidenced by specific structure or specific ingredients). There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper. *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971).

A functional limitation must be evaluated and considered, just like an other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. (Emphasis added).

...

It was held that the limitation used to define a radical on a chemical compound as “incapable of forming a dye with said oxidising developing agent” although functional, was perfectly acceptable because it set definite boundaries on the patent protection sought. *In re Barr*, 444 F.2d 588, 170 USPQ 33 (CCPA 1971).

In a claim that was directed to a kit of component parts capable of being assembled, the court held that limitations such as “members adapted to be positioned” and “portions ... being resiliently dilatable whereby said housing may be slidably positioned” serve to precisely define present

structural attributes of interrelated component parts of the claimed assembly.
In re Venezia 530 F.2d 956, 189 USPQ 149 (CCPA 1976).

Clearly, *In re Barr* removes any doubt about whether “capable of”, or “incapable of” are acceptable. Not only is *Hutchison* no longer good law, but the position taken by the Examiner on the basis of *Hutchison* is directly contrary to the position of the Commissioner as expressed in MPEP 2173.05(g), and by which the Examiner is bound.

In the present instance, the term “maintainable” as it is used in claim 1 expresses a feature of the claimed insulated container. To paraphrase *Venezia*, it serves to define structural attributes (i.e., different environmental conditions) of interrelated component parts (the first and second chamber) of the claimed assembly (the insulated container). Accordingly, the Appellant respectfully submits that claim 1 is patentable over Strickland in view of the limitation that the first chamber is maintainable at a different environmental condition from the second chamber.

In like fashion, the term “securable” as it is used in claim 28 also expresses a feature of the claimed insulated container. In this instance, the term serves to define the structural attributes (the collapsed position) of interrelated component parts (the first container portion relative to the common wall) of the claimed assembly (the insulated container). Moreover, the Appellant further submits that claim 28 is patentable over Strickland in view of the limitation that the first container portion is securable in the collapsed position and further, in light of the limitation that the first chamber is maintainable at different environmental condition from the environmental condition of the second chamber.

B. Strickland does not anticipate claims 1, 2, 4, 19-22 and 28

i. Statement of the Law regarding Anticipation under 35 U.S.C. 102(b)

Anticipation can only be established by a single prior art reference: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *Structural Rubber Products Co., v. Park Rubber Co.*, 749 F.2d 7070; 223 U.S.P.Q. 1264 (C.A.F.C. 1984). “The

identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The test for anticipation requires that all of the claimed elements must be found in exactly the same situation and united in the same way to perform the same function in a single unit of the prior art. *Studiengesellschaft Kohle, m.b.H. v. Dart Industries, Inc.*, 762 F.2d 724, 726, 220 U.S.P.Q. 841 at 842 (C.A.F.C. 1984). Anticipation cannot be predicated on teachings in a reference that are vague or based on conjecture. *Datascope Corp. v. SMEC Inc.*, 594 F. Supp. 1036; 224 U.S.P.Q. 694, 698 (D.N.J. 1984).

ii. Appellant’s Submissions

Claim 1

In the response dated June 10, 2002, the Appellant argued that Strickland did not have first and second collapsible insulated container portions having respective first and second *insulated* wall structures, the insulated wall structures including respective insulated sidewall panels. In this regard, the Appellant based its arguments on the view that, to the extent that the interior compartments 11a of Strickland could be taken as first and second container portions, these compartments did not have insulated wall structures including insulated sidewall panels.

In the Advisory Action dated June 21, 2002, the Examiner states that the sidewalls of Strickland are made up of walls 11, 16 and 17. It appears from the foregoing that the Examiner has taken the view that Strickland has a first container portion with a wall structure consisting of intermediate portion 16 and third wall 17, and a second container portion with a wall structure consisting of first interior wall 11.

The Appellant submits that even if the Examiner’s view is taken, Strickland does not anticipate claims 1, 2, 4, 19 - 22 and 28 for the following reasons:

- (1) Strickland does not disclose first and second collapsible insulated container portions having respective first and second *insulated* wall structures, the insulated wall structures including respective *insulated* sidewall panels;
- (2) Strickland does not have insulated chambers located side-by-side; and

- (3) Strickland does not teach or describe the first chamber being maintainable at a different environmental condition from the second chamber.

Further, the Appellant respectfully submits that any one of these differences is sufficient to overcome the rejection of claim 1 under 35 U.S.C. §102(b) according to *Dart Industries* and *Datascope, supra*.

Strickland describes a baby bottle caddy 10 having four interior compartments 11a of generally square cross-sectional configuration, for receiving baby bottles 14. The interior compartments 11a are defined by a first interior wall 11 and "...a plurality of orthogonally directed and arranged interior partitions 12 interiorly of the interior wall 11..." (see col. 3, lines 61 to 66 and Figure 3). The first interior wall 11 is secured to a second cup-shaped portion 16. The vertical sides of the second cup-shaped portions 16 are spaced from the interior wall 11 to define a gap 15 about the perimeter of the interior wall. Gap 15 accommodates refrigerant containers 23. Refrigerant containers 23 are used to cool bottles 14 positioned in the compartments 11a (see col. 4, lines 2 to 8 and Figures 2 and 3). A third exterior water impervious shell 17 is secured to the cup-shaped intermediate portion 16 to provide a moisture barrier and enhance insulation.

Adopting the Examiner's view of the reference as set out above, in order for Strickland to anticipate claim 1, it would be necessary for both the walls of interior compartments 11a and the walls of intermediate portion 16 to be insulated. However, the baby bottle caddy 10 of Strickland does not have this feature.

With regard to the construction of the first interior wall 11, Strickland describes that first interior wall 11 is formed of a polymeric flexible non-rigid material. Strickland does not teach that the first interior wall is insulated. Similarly, Strickland provides no indication as to whether the interior partitions 12 are insulated. In sum, Strickland neither discloses, describes nor suggests that either of first interior wall 11 or interior partitions 12 are insulated.

In fact, the configuration and functionality of the Strickland baby bottle caddy tends strongly to suggest that the sidewalls of the interior compartments 11a are not insulated. For example, if the bottles 14 positioned in compartments 11a are to be cooled by refrigerant

containers 23 placed in gap 15, the sidewall panels of the interior wall 11 must allow heat to be transferred between refrigerant container 23 and bottles 14. However, effective heat transfer would be impeded if the sidewalls were insulated. Given that having insulated sidewall panels would interfere with cooling of the bottles 14 by the refrigerant containers 23, the functionality of baby bottle caddy would tend to dictate that the sidewall panels of interior compartments 11a not be insulated.

In light of the foregoing, the Appellant submits that Strickland does not have first and second collapsible insulated container portions having respective first and second *insulated* wall structures, the insulated wall structures including respective *insulated* sidewall panels.

The Appellant further submits that Strickland fails to show insulated chambers located side-by-side as recited in the Appellant's claim 1. If the Examiner's view of Strickland is taken, Strickland appears to have a first container portion having a wall structure consisting of intermediate portion 16 and shell 17, and a second container portion with a wall structure consisting of first interior wall 11. The walls of intermediate portion 16 are spaced from first interior wall 11 to define gap 15. The first interior wall 11 and interior partitions 12 define internal compartments 11a. In Strickland, gap 15 extends about the outer periphery of first interior wall 11 so as to surround the internal compartments 11a. The internal compartments 11a are contained within gap 15. Clearly, the internal compartments 11a and gap 15 are not located side-by-side.

Further, Strickland neither describes nor teaches that gap 15 is intended to be maintainable at a different environmental condition than the interior compartments 11a. The specification of Strickland deliberately contemplates that bottles 14 stored within interior compartments 11a will tend to be kept cooled by refrigerant containers 23 placed in gap 15. The clear object of Strickland is not that these compartments be maintained at different temperatures, but rather that the coolant in gap 15 will be used to maintain them at more or less the same temperature. In this way, Strickland seeks to maximize the cooling influence exercised by the refrigerant containers 23 on the bottles 14 stored in interior compartments 11a. In contradistinction, the claimed invention seeks to create specific zones of environmental segregation, for example, a zone for hot items and a zone for cold items. Moreover, in further contrast, the claimed invention seeks to reduce the influence the environmental condition of one container portion may tend to have on the environmental

condition of the other container portion. Strickland teaches away from the environmental segregation of the claimed invention as it is directed to maintaining the gap 15 and the interior compartments 11a at more or less the same temperature.

In addition, there is no inherent reason for positing that the baby bottle caddy 10 of Strickland has this claimed feature. To the contrary, the fact that the wall structures of interior compartments 11a are not insulated would tend to suggest that gap 15 and one of the interior compartments 11a are not intended to be maintainable at different environmental conditions.

In light of the foregoing, the Appellant respectfully submits that Strickland cannot serve as an anticipatory reference as it does not teach each and every feature of the Appellant's claim 1.

Claims 2 and 4

To the extent applicable, the Appellant repeats the commentary made in the context of claim 1 with regard to Strickland. In addition, the Appellant respectfully submits that Strickland neither teaches nor describes an insulated container portion having a liner for containing liquids mounted within its chamber. This feature is thus missing from the baby bottle caddy 10 of Strickland. Accordingly, Strickland cannot anticipate claim 2, or any claim dependent therefrom. The Appellant respectfully submits that claims 2 and 4 are allowable over Strickland.

Claims 19 - 22

To the extent applicable, the Appellant repeats the commentary made in the context of claim 1 with regard to Strickland. The Appellant respectfully submits that claims 19 - 22 are allowable over Strickland.

Claim 28

In the context of claim 28, the Appellant repeats the arguments asserted in connection with claim 1 to the extent applicable. In addition, the Appellant respectfully submits that

Strickland: (1) does not show a first container portion being movable between an expanded position and a collapsed position relative to the common wall; and (2) does not teach that the first container portion is securable in the collapsed position.

As stated previously, Strickland describes four internal compartments 11a being formed by a first interior wall 11, interior partitions 12 and floor 13. Gap 15 surrounds the outer periphery of first interior wall 11 as shown in Figure 3. The first interior wall 11 defines a common wall between gap 15 and internal compartments 11a. Strickland also teaches that the baby bottle caddy 10 is maintained in a first extended position (or erected configuration) when bottles 14 are stored therewithin and is collapsible to a second collapsed position upon removal of the bottles 14 therefrom. In this regard, the specification of Strickland provides at col. 4, lines 8 to 17 provides as follows:

“The bottles 14 are formed of a rigid plastic-like material of complementary cross-section configuration and shape to the compartments 11a whereupon positioning of the bottles 14 within the compartments 11a, the baby bottle caddy 10 is maintained in an erected configuration whereupon removal of the baby bottles 14 removes all rigidity from the structure defined by series of compartments and walls and effects collapse thereof, as illustrated in FIG. 4 for example.”

The brief description of Figure 4 reads:

“FIG. 4 is a diagrammatic orthographic illustration taken in elevation of the baby bottle caddy of the instant invention from a first extended position to a second collapsed position upon removal of the baby bottles therefrom.”

In Figure 4, an arrow is used to indicate the direction of collapse of the baby bottle caddy 10 when it is in the collapsed position. As clearly shown in Figure 4, Strickland contemplates that once the bottles are removed the structure will tend to collapse towards the floor 13 - the collapse of the structure most likely being aided by gravity. Figure 4 does not show the direction of collapse to be towards the first interior wall 11 (the common wall). Accordingly, it cannot be said that Strickland teaches that the internal compartment 11a is

movable between an expanded position and a collapsed position relative to the first interior wall 11.

Furthermore, Strickland neither teaches nor describes that internal compartment 11a is securable in a collapsed position. Nor has the applicant identified any reference in Strickland that shows this feature. Accordingly, Strickland cannot serve as an anticipatory reference as it does not teach each and every feature of the applicant's claim 28. The applicant respectfully submits that claim 28 is allowable over Strickland.

XI. CONCLUSION

In summary, the Examiner's rejections of claim 1, 2, 4, 19 - 22 and 28 rest on the view that a functional recitation is not a patentable limitation. In support of his position, the Examiner points to *In Re Hutchinson* decided in 1946 prior to the patent law amendments of 1952. However, *Hutchison* is no longer good law. The courts have recognized that functional limitations are proper and ought to be considered like any other limitation in a claim. Accordingly, the Appellant respectfully submits that the Examiner erred in refusing to consider the use of the terms "maintainable" and "securable" as positive limitations in the claims. When the use of these words in the claim are considered as patentable limitations, the claim rejections under 35 U.S.C. §102(b) on the basis of Strickland cannot be properly made.

In addition, the Examiner has erred in finding that the claims 1, 2, 4 19 - 22 and 28 were anticipated by Strickland, when this latter reference is missing several of the elements of the claimed invention.

The Appellant further respectfully submits that the Strickland reference should not have been cited against any of the claims presently pending in this case. As such, the Appellant is fully entitled to the full range and scope of the doctrine of equivalents without any diminution or limitation due to the arguments and explanation provided herein or in any other correspondence related to this case to explain why the Strickland reference: (a) is not applicable; and (b) should not have been cited. That is, the Appellant respectfully submits that, given that Strickland should not have been cited at all, and given that the Examiner applied an erroneous standard, the Appellant is entitled to the same scope of protection under


the doctrine of equivalents as that to which it would have been entitled had the Strickland reference not been cited.

This final rejection being in error, therefore, it is requested that this honourable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of claims 1, 2, 4 and 19 - 44 in this application.

In the event this paper is not considered to be timely filed, the Appellant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 01-2300.

Respectfully submitted,

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Enclosure: Appendix A - Claims Involved in the Appeal

APPENDIX A

Claims Involved in the Appeal

1. (Twice Amended) A soft sided, collapsible, insulated container comprising:
 - a first collapsible insulated container portion defining a first insulated chamber
therewithin;
 - a second collapsible insulated container portion defining a second insulated chamber
therewithin;
 - said first and second insulated container portions having respective first and second
insulated wall structures, said insulated wall structures including respective
insulated sidewall panels;
 - said insulated chambers being located side-by-side, and being segregated by a
common wall;
 - said first insulated wall structure having a first opening defined therein for providing
access to said first enclosed chamber, a portion of said first insulated wall
structure being moveable to close said first opening;
 - said first chamber being maintainable at a different environmental condition from
said second chamber.
2. The soft-sided, collapsible insulated container of claim 1 wherein said first container
portion has a liner for containing liquids mounted within its respective chamber.
3. (Cancelled).

4. The soft sided collapsible insulated container of claim 2 wherein said liner has a lowest extremity and an upper lip, and said liner is seamless to a depth of at least half the height from said lowest extremity to said upper lip.
5. (Cancelled).
6. (Cancelled).
7. (Cancelled).
8. (Cancelled).
9. (Cancelled).
10. (Cancelled).
11. (Cancelled).
12. (Cancelled).
13. (Cancelled).
14. (Cancelled).
15. (Cancelled).

16. (Cancelled).
17. (Cancelled).
18. (Cancelled).
19. The soft sided, collapsible insulated container of claim 1 wherein:
said first insulated wall structure has a rectangular base and rectangular sides
extending upwardly from said rectangular base;
each of said rectangular sides having an upper margin and a lower margin;
said moveable portion of said first insulated wall structure is a top panel hingedly
attached to said upper margin of one of said rectangular sides.
20. The soft sided, collapsible insulated container of claim 19 wherein said top panel is a
lid and said lid is moveable between an open position and a closed position relative to
said first opening.
21. The soft sided, collapsible insulated container of claim 20 further comprising a
closure member mounted to said lid; said closure member being operable to secure
said lid in said closed position.
22. The soft sided, collapsible insulated container of claim 21 wherein said closure
member is a tracked closure member.

23. The soft sided, collapsible insulated container of claim 1 wherein said common wall includes a thermally insulative layer for discouraging heat transfer through said common wall.
24. The soft-sided, collapsible insulated container of claim 1 wherein said second insulated wall structure has a second opening defined therein for providing access to said second enclosed chamber, a portion of said second insulated wall structure being moveable to close said second opening.
25. The soft-sided, collapsible insulated container of claim 24 wherein:
said common wall is a fixed rectangular wall having an upper margin and a lower margin; and
at least one of said moveable portions of said first and second insulated wall structures is a top panel hingedly connected to said upper margin of said common wall.
26. The soft-sided, collapsible insulated container of claim 25 wherein:
said moveable portion of said first insulated container is a first top panel hingedly connected to said upper margin of said common wall; said first top panel being moveable between an open position and a closed position relative to said first opening; and
said moveable portion of said second insulated container is a second top panel hingedly connected to said upper margin of said common wall; said second top panel being moveable between an open position and a closed position relative to said second opening;

said first and second top panels being opposed to each other when in their respective open positions.

27. The soft-sided, collapsible insulated container of claim 26 wherein each of said first and second top panels has a closure member mounted thereto; said closure member being operable to secure each of said first and second top panels in its respective closed position.

28. (Amended) A soft sided, collapsible, insulated container comprising:

a first collapsible insulated container portion, a second collapsible insulated container portion and a common wall shared between said first and second container portions;

said first container portion having a first insulated wall structure defining a first enclosed chamber therewithin;

said first insulated wall structure having a first opening defined therein for providing access to said first enclosed chamber, a portion of said first insulated wall structure being moveable to close said first opening;

said second container portion having a second insulated wall structure defining a second enclosed chamber therewithin;

said common wall segregating said first and second enclosed chambers from each other;

said first chamber being maintainable at a different environmental condition from the environmental condition of said second chamber; and

said first container portion being moveable between an expanded position and a collapsed position relative to said common wall, said first container portion being securable in said collapsed position.

29. The soft-sided, collapsible insulated container of claim 28 wherein:
said first insulated wall structure has a rectangular base, a pair of opposing rectangular side panels and a rectangular end panel opposite said common wall; and
said end panel is collapsible toward said common wall when said first container portion is moved from said expanded position to said collapsed position.
30. The soft-sided, collapsible insulated container of claim 29 wherein:
said common wall is a fixed rectangular wall having an upper margin and a lower margin;
said moveable portion of said first insulated wall structure is a top panel hingedly connected to said upper margin of said common wall; and
said top panel is folded over said end panel when said first container portion is in said collapsed position.
31. The soft-sided, collapsible insulated container of claim 30 wherein:
each of said top and end panels has an inner face oriented toward opposite said first enclosed chamber, and an outer face oriented away from said first enclosed chamber; and
said inner face of said top panel is releasably attachable to said outer face of said end panel when said first container portion is in said collapsed position.

32. The soft sided, collapsible insulated container of claim 28 wherein:
said container has releasable fasteners mounted thereto for engaging said first
container portion; and
said releasable fasteners are operable to retain said first container portion in said
collapsed position.
33. The soft sided, collapsible insulated container of claim 32 wherein said releasable
fasteners are hook and eye fabric fasteners.
34. The soft-sided, collapsible insulated container of claim 2 wherein said liner is
releasably attached to said first insulated wall structure.
35. The soft-sided, collapsible insulated container of claim 34 wherein said first container
portion has liner securing means operable to attach said liner to said first insulated
wall structure.
36. The soft-sided, collapsible insulated container of claim 34 wherein said first opening
has a lip, and said liner is mated to said first insulated wall structure about said lip.
37. The soft-sided, collapsible insulated container of claim 34 wherein:
said first insulated wall structure has a rectangular base and rectangular sides
extending upwardly from said rectangular base;
each of said rectangular sides meets said base at a lower edge;
each of said rectangular sides has an upper edge distant from said base, said upper
edges of said sides co-operating to define a rim; and

said liner is releasably attached to said first insulated wall structure about said rim.

38. The soft-sided, collapsible insulated container of claim 2 wherein:
said liner has a base and sides folded from a monolithic sheet of liner stock;
said monolithic sheet is a water impermeable plastic sheet; and
said liner is free of heat welded seams.
39. The soft-sided, collapsible insulated container of claim 2 wherein:
said liner is formed from a monolithic sheet of liner stock;
said liner has a base and four sides folded upwardly from said base;
said liner has four corner portions folded to form flaps; and
said flaps are folded to lie against said sides.
40. The soft-sided, collapsible insulated container of claim 39 wherein each of said flaps
is folded to lie against one of said sides.
41. The soft-sided, collapsible insulated container of claim 39 wherein:
two of said flaps are folded to lie against one of said sides; and
two of said flaps are folded to lie against another of said sides.
42. The soft-sided, collapsible insulated container of claim 2 wherein:
said liner is formed from a monolithic sheet of liner stock;
said liner has a base and four sides folded upwardly from said base;
each of said sides adjoining said base at a folded edge;
each of said sides having a distal edge distant from said base;

at least of one said distal edges being at a first height relative to said base;
said liner being capable of holding liquids up to a second height relative to said base;
said second height being at least one half of said first height; and
said liner being seamless from said base up to at least said second height.

43. The combination of claim 42 wherein said liner is free of heat welded seams up to said second height.
44. The combination of claim 43 wherein said liner is free of punctures up to said second height.